



# Nat'l Environmental Policy Act

- NEPA was signed into law on January 1, 1970, in response to an overwhelming national sentiment that federal agencies should take the lead in providing greater protection for the environment.
- It establishes environmental policy for the nation, provides interdisciplinary framework for federal agencies to prevent environmental damage, and contains “action-forcing” procedures to ensure that federal agency decision-makers take environmental factors into account.



# Purposes of NEPA

- Declare a national policy which will encourage productive and enjoyable harmony between people and the environment
- Promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate health and welfare
- Enrich the understanding of the ecological system and natural resources important to the nation
- Establish a Council on Environmental Quality (CEQ)



# OBJECTIVES OF NEPA

- Supplemental legal authority
- Procedural reform
- Disclosure of environmental information
- Resolution of environmental problems
- Fostering intergovernmental coordination and cooperation
- Enhancing public participation in government planning and decision-making



# Steps in the NEPA Process

- The environmental review process established under NEPA involves three key phases: the review for categorical exclusions or other exemptions, the preparation of an Environmental Assessment (EA), and the preparation of an Environmental Impact Statement (EIS).



# CATEGORICAL EXCLUSIONS

- NEPA defines a categorical exclusion (Cat Ex or CE) as “a category of [federal] actions that does not individually or cumulatively have a **significant** effect on the human environment...for which, therefore, neither an Environmental Assessment (EA) nor an Environmental Impact Statement (EIS) is required.



# ENVIRONMENTAL ASSESSMENT (EA)

- A concise **public** document prepared by a federal agency when a proposed actions is not covered by a categorical exclusion or otherwise exempted from NEPA.
- The EA should contain the need for the proposed action; the proposed action; the environmental impacts of the proposed action and the alternatives; and a list of agencies and people consulted.



# ENVIRONMENTAL IMPACT STATEMENT (EIS)

- If the agency determines that the proposed actions will have significant environmental impacts, then it must prepare an EIS (Phase 3 of the NEPA process).
- The EIS is an action-forcing mechanism; an information disclosure device; a problem-solving tool; and a consensus-building opportunity.



# Advantages of complying with NEPA

- Ensures that federal agency planning reflects environmental values
- Avoids delays later in the planning process
- Avoids conflicts over environmental issues
- Contributes to environmental decision-making throughout project evaluation



# Advantages of Complying with NEPA (cont.)

- Avoids the use of the EIS for rationalizing projects
- Allows for cooperative consultation among agencies before the EIS is prepared
- Identifies key environmental issues early in the planning process.



# NEPA – a snapshot!

- The National Environmental Policy Act (NEPA) is the nation's broadest environmental law. NEPA applies to all federal agencies and most of the activities that they manage, regulate, or fund that affect the environment. It requires all agencies to disclose and consider the environmental implications of their proposed actions.
- NEPA's reach is pervasive throughout the federal government.



# WFLHD's NEPA PROCESS

- ENVIRONMENTAL SCOPING: done along with the preliminary engineering review, and produces the PIR.
- RESOURCE SURVEYS: Surveys and reconnaissance done for biology, cultural resources and wetlands. Survey and manage reports are used in support of any consultation necessary to complete the NEPA process.
- Alternative preparation and analysis starts at this point and is on-going through the document preparation stages.



# WFLHD's NEPA PROCESS

## (cont.)

- PREPARE ENVIRONMENTAL DOCUMENTS –consultation documents (Biological Assessments, Wetland Delineations, or Cultural Resource Reports) have been prepared and are in the process of getting concurrence. Once biological and cultural parameters have been established, preparation of the NEPA doc can begin (CE, EA, EIS).



# WFLHD's NEPA PROCESS

## (cont.)

- CIRCULATE ENVIRONMENTAL DOCUMENTS AND CONDUCT PUBLIC INVOLVEMENT – public involvement is conducted for all projects, including Categorical Exclusions. A mailing list is established, early on, with help from the cooperating agencies working on the project, so that the public, the SEE Team, resource agencies, and other interested parties are kept in the loop throughout the process.



# WFLHD's NEPA PROCESS (cont.)

- PREPARE FINAL ENVIRONMENTAL DOCUMENTS with PREFERRED ALTERNATIVE – CE, EA, or EIS is finalized, as well as the FONSI and ROD during this stage. Preferred alternative has been analyzed and selected (most of the time) and all consultation is complete (Section 7 and Section 106).



# WFLHD's NEPA PROCESS

## (cont.)

- MITIGATION COORDINATION – mitigation requirements should be established by this point, and listed in the environmental document. Also, a mitigation summary (or environmental narrative) is prepared for the project.
- PERMIT CONDITIONS – final preparation for permits is conducted at this time, and all wetland delineations or watershed studies should be completed. This information will be used for preparation of the permit applications.



# PERMITS

- Permit coordination is ongoing throughout the process. Permits must be secured before sign-off can occur.
- Permits that are usually required: NPDES (or in Montana – MPDES), 404 (either individual or NWP), 401 or Water Quality Permit, and various other state, local or even county permits may be required.



## PERMITS (cont.)

Other permits include:

- Forest Service Special Use Permits
- Letters of Consent from the FS or other agencies
- Water Appropriation Permits or Authorizations (these vary from state to state and can be time consuming to obtain)



# SIGN OFF and Going to AD

- All environmental ducks should be in a row
- All reviews have been conducted and signatures have been obtained
- Mitigation summary (environmental narrative) is completed
- Packet has been prepared for field personnel and environmental information is shared during hand-off meeting
- Packet goes downstairs after each department signs off